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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,097	12/09/2003	Masashi Eguchi	032095	2681
38834 7590 03/19/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
QIN, YIXING				
ART UNIT		PAPER NUMBER		
2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,097

Applicant(s)

EGUCHI ET AL.

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 12/9/03, 12/1/05, 1/26/06, 1/25/07

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1 and 5 rejected under 35 U.S.C. 102(e) as being anticipated by Nakata (PG Pub. No. 20040030684)

Regarding claim 1, Nakata discloses a facsimile machine comprising: means for scanning an original document to generate image data;

means for detecting whether an amount of the image data exceeds a prescribed amount; (P[0042], P[0051] discloses a control unit 31 generates the break signal for dividing image data.)

means for dividing the image data in parallel with the scanning of the original document each time the amount of the image data is detected to exceed the prescribed amount; (P[0042] – a plurality of image files are created when input data is broken at prescribed breaks) and

means for transmitting each divided image data by electronic mail. (P[0041] disclose that email is one of the mean for transfer)

Regarding claim 5, Nakata discloses a facsimile machine comprising: means for scanning an original document to generate image data;

means for detecting whether an amount of the image data exceeds a prescribed amount; (P[0042], P[0051] discloses a control unit 31 generates the break signal for dividing image data.)

means for dividing the image data in parallel with the scanning of the original document each time the amount of the image data is detected to exceed the prescribed amount; (P[0042] – a plurality of image files are created when input data is broken at prescribed breaks)

means for transmitting each divided image data by electronic mail; (P[0041] disclose that email is one of the mean for transfer) and

means for stopping the transmission of the electronic mail when an error generates in the means for generating. (P[0063] – a failure in a data transmission is detected in S380 and deleted, which indicates that it is stopped)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over 103 Nakata (PG Pub. No. 20040030684)

Regarding claim 2, Nakata discloses reference discloses sending divided image data through email to devices connected to the network.

It does not explicitly disclose "wherein the means for transmitting further includes means for establishing a connection with a remote device when the scanning of the original document is started. "

However, Nakata discloses in P[0033, 0035] that image is scanned and connection is established with another device on the network. Even though it is not explicitly disclosed if the establishing of a connection is when scanning is started, it is well known and obvious to do so in order for the image data to be transferred properly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have established a connection while scanning.

The motivation would have been to allow the connection to be ready for transfer as the image is scanned.

Therefore, it would have been obvious to improve Nakata with a well known method to obtain the invention as specified.

Regarding claim 3, Nakata discloses the facsimile machine according to claim 2, wherein the means for transmitting further includes means for maintaining the connection with the remote device until all divided image data are transmitted. (P[0035] – the image input device is connected to an external device on the network.)

III. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata (PG Pub. No. 20040030684) in view of Oteki et al (U.S. PG. Pub No. 20010019429)

Regarding claim 4, Nakata discloses the facsimile machine according to claim 1, further comprising:

means for storing the electronic mail means for receiving information regarding reception of the electronic mail from the remote device; (P[0052-0056] – image data is divided to be scanned and then stored. Transmitted data is also stored in storage unit 23)

It does not explicitly disclose “means for erasing the electronic mail from the means for storing when it is determined that the remote device received the electronic mail normally in accordance with the information received from the remote device.”

However, the secondary reference, Oteki discloses in P[0160] that data that is completely sent is deleted from the image memory.

Nakata and Oteki are combinable because both are in the art of transferring images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have deleted completed transmission image data from memory.

The motivation would have been to free up memory space for storing future data.

Therefore, it would have been obvious to combine Nakata and Oteki to obtain the invention as specified.

IV. Claim 6-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata (PG Pub. No. 20040030684) in view of Uchikawa (U.S. Patent No. 6,499,068)

Regarding claim 6, Nakata discloses a facsimile machine comprising: means for scanning an original document to generate image data;

means for detecting whether an amount of the image data exceeds a prescribed amount; (P[0042], P[0051] discloses a control unit 31 generates the break signal for dividing image data.)

means for dividing the image data in parallel with the scanning of the original document each time the amount of the image data is detected to exceed the prescribed amount; (P[0042] – a plurality of image files are created when input data is broken at prescribed breaks)

means for transmitting each divided image data by electronic mail; (P[0041] disclose that email is one of the mean for transfer) and

It does not explicitly disclose "means for stopping the scanning of the original document when an error generates in the means for transmitting."

However, Uchikawa discloses in column 10, lines 55-60 that when a job that cannot be simultaneously transmitted is decided as an error, then scanning is prevented because it would be in vain.

Nakata and Uchikawa are combinable because both are in the art of faxing documents.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have prevented scanning when transmission errors occur.

The motivation would have been to prevent useless scanning of documents if they cannot be sent.

Therefore, it would have been obvious to combine Nakata and Uchikawa to obtain the invention as specified.

Regarding claim 7, Nakata discloses the facsimile machine according to claim 6, further comprising:

means for storing the electronic mail; (P[0052-0056] – image data is divided to be scanned and then stored. Transmitted data is also stored in storage unit 23) and

means for retransmitting the electronic mail by outputting the electronic mail from the means for storing when it is determined that the electronic mail can be retransmitted based on contents of the error. (P[0006] – discloses that image file can be resent by email)

Regarding claim 8, Nakata discloses the facsimile machine according to claim 6, further comprising:

means for stopping the scanning of the original document and the transmission of the electronic mail when it is determined that the electronic mail cannot be retransmitted based on contents of the error. (P[0063] – a failure in a data transmission is detected in S380 and deleted, which indicates that it is stopped.)

Regarding claim 9, Nakata discloses a facsimile machine comprising: means for scanning an original document to generate image data;

means for detecting whether an amount of the image data exceeds a prescribed amount; (P[0042], P[0051] discloses a control unit 31 generates the break signal for dividing image data.)

means for dividing the image data in parallel with the scanning of the original document each time the amount of the image data is detected to exceed the prescribed amount; (P[0042] – a plurality of image files are created when input data is broken at prescribed breaks)

means for transmitting each divided image data by electronic mail; (P[0041] disclose that email is one of the mean for transfer)

It does not explicitly disclose "means for providing the electronic mail with information regarding an error when detecting the error in the transmitted electronic mail;

However, Uchikawa discloses in column 10, lines 10-18 that error information is shown and a retry is performed.

Nakata and Uchikawa are combinable because both are in the art of faxing documents.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided error information in a transmitted email.

The motivation would have been to provide error information so proper steps can be taken to resend the image data.

Therefore, it would have been obvious to combine Nakata and Uchikawa to obtain the invention as specified.

Nakata further discloses means for retransmitting the electronic mail. (P[0006] – discloses that image file can be resent by email)

Regarding claim 10, Nakata discloses the facsimile machine according to claim 9, further comprising:

means for storing the electronic mail; (P[0052-0056] – image data is divided to be scanned and then stored. Transmitted data is also stored in storage unit 23) and

means for retransmitting the electronic mail by outputting the electronic mail from the means for storing when it is determined that the electronic mail can be retransmitted based on contents of the error. (P[0063] – a failure in a data transmission is detected in S380 and deleted, which indicates that it is stopped – a different type of transmission is used.)

Regarding claim 11, , Nakata discloses the facsimile machine according to claim 9, further comprising:

means for stopping the scanning of the original document and the transmission of the electronic mail when it is determined that the electronic mail cannot be retransmitted based on the contents of the error. (P[0063] – a failure in a data transmission is detected in S380 and deleted, which indicates that it is stopped.)

V. Claims 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata (PG Pub. No. 20040030684) in view of Tanimoto (U.S. PG Pub. No. 20020131089)

Regarding claim 12, , Nakata discloses a facsimile machine comprising: means for scanning an original document to generate image data;

means for detecting whether an amount of the image data exceeds a prescribed amount; (P[0042], P[0051] discloses a control unit 31 generates the break signal for dividing image data.)

means for dividing the image data in parallel with the scanning of the original document each time the amount of the image data is detected to exceed the prescribed amount; (P[0042] – a plurality of image files are created when input data is broken at prescribed breaks)

means for transmitting each divided image data by electronic mail; (P[0041] disclose that email is one of the mean for transfer) and

It does not explicitly disclose “means for providing the electronic mail with information indicating a transmission number of the electronic mail.”

However, Tanimoto discloses in Fig. 8 various emails being sent with respective transmission numbers.

Nakata and Tanimoto are combinable because both are in the art of faxing data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a transmission number.

The motivation would have been to given a number to emails so that it is known how many mail pieces to expect.

Therefore, it would have been obvious to combine Nakata and Tanimoto to obtain the invention as specified.

Regarding claim 13, the secondary reference, Tanimoto discloses the facsimile machine according to claim 12, further comprising:

means for providing the electronic mail with information indicating whether subsequent electronic mail will be transmitted. (the secondary reference, Tanimoto, discloses in Figs. 8 and 9 and P[0095-0096] that there is a command that is sent from the sending fax to the receiving fax. This can designate a print order or forwarding order. Since there is a designation of the order, then it would be obvious that subsequent emails will be transmitted given, for example, the first email is transmitted and the designation of order calls for three emails)

Regarding claim 14, the secondary reference, Tanimoto discloses the facsimile machine according to claim 12, further comprising:

means for providing the electronic mail with information indicating a total number of the electronic mails. (the secondary reference, Tanimoto, discloses in Fig. 8 that there is a total number of 3 files)

Regarding claim 15, the secondary reference, Tanimoto discloses the facsimile machine according to claim 12, further comprising:

means for providing the electronic mail with page information of the original document. (the secondary reference, Tanimoto, discloses in P[0091] that info is provided of how many pages the image data of the file name has)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625